

UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEW HAMPSHIRE

Samuel J. Bourne

v.

Civil No. 05-cv-365-JD

Town of Madison, et al.

Procedural Order

The court held a telephone conference with counsel on December 15, 2009, to address a motion to withdraw filed by the plaintiff's out-of-state counsel, which followed the withdrawal of local counsel. The plaintiff's counsel explained his reasons to support the motion. The motion was granted.

Counsel for the individual defendants raised a question about the individual defendants' motion to dismiss their counterclaim. In the course of the discussion, the court noted that it appeared that the defendants had not filed an answer to the amended complaint, which was filed on December 5, 2006. See Fed. R. Civ. P. 55.

An order issued on December 15, 2009, notifying the plaintiff that because his attorney of record has withdrawn from representing him in this case, he must advise the court, on or before January 4, 2010, of the name of his new attorney or of his decision to proceed pro se. Although the parties have made several recent filings, those matters will not be addressed until

after January 4, 2010, when the plaintiff will have notified the court of whether he will proceed represented by a new attorney or by himself.

SO ORDERED.

/s/ Joseph A. DiClerico, Jr.

Joseph A. DiClerico, Jr.  
United States District Judge

December 18, 2009

cc: Samuel J. Bourne  
Brian J. S. Cullen, Esquire  
Richard D. Sager, Esquire